IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 235/2006
(Smt. Abha Gupta & Anr. Vs. State of Rajasthan & Anr.)

Date of Order : 04/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sandeep Mehta for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.
Mr. Mridul Jain for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.362/2005, Police Station, Kotwali, district Banswara for the offences under Sections 420, 306 and 406 IPC.

It is contended by learned counsel for the petitioners that the allegation in the suicide note is against Mitesh Gupta.

Learned public prosecutor appearing for the State, on the basis of police investigation diary, submits that the matter is in the process of investigation and most of the investigation has already been carried out.

The allegation levelled by the deceased before

committing suicide is that a sum of Rs. 1.50 Crore were given to Shriji Leasing & Finance Company of which the present petitioners are the partners and Mitesh Gupta is the Manager. It appears from the suicide note and the statement of the complainant that the deceased was made to part with the huge amount taking him in the belief that the amount will be returned on the terms which subsequently the said Leasing & Finance Company and its partners etc., refused to pay despite various demands and harassed the deceased. Prima-facie there is material to proceed at this stage. It cannot be said that the FIR does not disclose the cognizable offences.

In the circumstances, therefore, no case for quashing the FIR is made out. The petition is, therefore, dismissed.

(H.R.PANWAR),J.

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